

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CECIL A. BATES,)
v. Plaintiff,) No. 1:13-cv-548-TWP-MJD
STATE OF INDIANA, et al.,)
Defendants.)

Entry Discussing Selected Matters

I.

A suit under 42 U.S.C. § 1983 must be filed within the time allowed by state law for personal injury actions. *Wilson v. Garcia*, 471 U.S. 261 (1985). In Indiana, that period is two (2) years. *Logan v. Wilkins*, 644 F.3d 577, 581 (7th Cir. 2011); *Behavioral Inst. of Ind., LLC v. Hobart City of Common Council*, 406 F.3d 926, 929 (7th Cir. 2005); *Forman v. Richmond Police Department*, 104 F.3d 950 (7th Cir. 1997) ("[T]he two-year Indiana statute of limitations for personal injuries (IND. CODE ' 34-1-2-2) applies to ' 1983 claims.") (citing *Perez v. Sifel*, 57 F.3d 503, 505 (7th Cir. 1995)).

Claims which accrued more than two years before the filing date of April 1, 2013, are dismissed for failure to state a claim upon which relief can be granted because of their obvious untimeliness.

II.

No final judgment shall issue at this time as to the claims dismissed in this Entry.

III.

The plaintiff shall have through June 5, 2013, in which to file an amended complaint asserting claims not dismissed in Part I of this Entry.

IT IS SO ORDERED.

Date: 05/09/2013

Tanya Walton Pratt
Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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